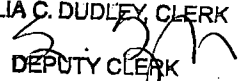


FEB 21 2019

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

JOHN ROBERT DEMOS, JR.,)	CASE NO. 7:19CV00179
)	
Plaintiff,)	
v.)	MEMORANDUM OPINION
)	
THE U.S.A., <u>et al.</u> ,)	By: Glen E. Conrad
)	Senior United States District Judge
Defendants.)	

John Demos, a Washington State inmate proceeding pro se, filed this case using a form designed for inmates' use in filing a civil rights action under 42 U.S.C. § 1983, on which he also lists several other federal statute numbers. As defendants, Demos names the U.S.A., America, and both the Town and City of Washington, D.C. His pleading is largely incomprehensible, but appears to contend that several amendments to the United States Constitution have caused him harm by failing to prevent him from being imprisoned, a condition he likens to slavery. Demos has also moved for leave to proceed in forma pauperis. Upon review of the record, the court finds that the action must be summarily dismissed without prejudice under 28 U.S.C. § 1915(g).

The pertinent statute provides:

In no event shall a prisoner bring a civil action [in forma pauperis] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). Demos has scores of actions or appeals that have been dismissed as frivolous, malicious or for failure to state a claim upon which relief could be granted, and other courts have found him barred under § 1915(g) from filing without prepayment of filing costs. See, e.g., Demos v. United States, No. 1:09-cv-03205-CCB (D. Md. Dec. 23, 2009), aff'd,

Demos v. United States, 373 F. App'x 420 (4th Cir. 2010); Demos v. Keating, 33 F. App'x 918, 919-20 (10th Cir. 2002). Demos' current complaint does not demonstrate that he is in imminent danger of serious physical harm related to his claims.

For the stated reasons, the court will dismiss the action under § 1915(g) without prejudice to Demos' refiling of the action accompanied by the full \$400.00 filing costs. An appropriate order will enter this day. The clerk will send Demos a copy of this memorandum opinion and the accompanying order.

ENTER: This 21st day of February, 2019.



Senior United States District Judge